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Attorneys for Credit Suisse AG, Cayman Islands Branch, formerly known as Credit Suisse, Cayman Islands Branch (as successor to Credit Suisse First Boston, Cayman Islands Branch); Credit Suisse Securities (USA) LLC (formerly known as Credit Suisse First Boston LLC); and Credit Suisse AG (collectively, “Credit Suisse” or “Appellant”)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

In re:

LAKE AT LAS VEGAS JOINT VENTURE, LLC; LLV-1, LLC; LLV HOLDCO, LLC; LAKE LAS VEGAS PROPERTIES, LLC; LLV FOUR CORNERS, LLC; NORTHSHORE GOLF CLUB LLC; P-3 AT MONTELAGO VILLAGE LLC; THE GOLF CLUB AT LAKE LAS VEGAS LLC; MARINA INVESTORS LLC; THE VINEYARD AT LAKE LAS VEGAS LLC; LLVVHI LLC; TCH DEVELOPMENT LLC; TC TECHNOLOGIES LLC; SOUTHSORE GOLF CLUB LLC NEVA HOLDINGS LLC

Jointly Administered Reorganized Debtors.

CREDIT SUISSE,

Appellant,

v.

LARRY LATTIG, CREDITOR TRUSTEE OF THE LLV CREDITOR TRUST

Appellee.

USDC Case No.: 17-cv-01975-JCM
Appeal Ref. No. 17-27

Appeal from Case No. BK-S-08-17814-MKN
BK 08-17815 MKN BK 08-17832 MKN
BK 08-17817 MKN BK 08-17835 MKN
BK 08-17820 MKN BK 08-17837 MKN
BK 08-17822 MKN BK 08-17841 MKN
BK 08-17825 MKN BK 08-17842 MKN
BK 08-17827 MKN BK 08-17844 MKN
BK 08-17830 MKN BK 08-17845 MKN

Joint Administration

**FOURTH STIPULATION AND ORDER
TO EXTEND BRIEFING SCHEDULE TO
FACILITATE MEDIATION**

Credit Suisse, by and through its undersigned counsel, Elizabeth W. Walker of the law firm

1 Sidley Austin LLP and William M. Noall of the law firm Garman Turner Gordon LLP, Larry
2 Lattig, as Creditor Trustee (the "Creditor Trustee") of the LLV Creditor Trust, by and through his
3 attorneys, Robert M. Charles, Jr. of the law firm Lewis Roca Rothgerber Christie LLP and Gary
4 Cruciani, Jr. of the law firm McKool Smith, P.C., and Highland Floating Rate Opportunities Fund
5 and NexPoint Credit Strategies Fund (together, the "Highland Entities" and, collectively with the
6 Creditor Trustee, the "Appellees") by and through their attorneys, Jacob S. Frumkin and Michael
7 D. Warner of the law firm Cole Schotz P.C. and Samuel A. Schwartz of the law firm Schwartz
8 Flansburg PLLC (collectively, the "Parties"), stipulate and agree as follows:

9 **RECITALS**

10 a. On December 12, 2017, this Court issued a Minute Order [ECF No. 27] (the
11 "Minute Order") setting the deadlines for Appellant to file and serve an opening brief, for
12 Appellee(s) to file and serve an answering brief, and for Appellant to file and serve a reply brief.
13 The deadlines set in the Minute Order are December 26, 2017, January 9, 2018, and January 23,
14 2018, respectively.

15 b. On December 29, 2017, this Court issued an Order [ECF No. 31] extending the
16 deadlines contained in the Minute Order to March 2, 2018, April 6, 2018, and April 20, 2018,
17 respectively, to facilitate the Parties' planned mediation with the Honorable Gregg W. Zive.

18 c. On January 23, 2018 the Parties mediated the disputes involved in what is referred
19 to by the Parties and the United States Bankruptcy Court for the District of Nevada as the
20 "Indemnification Dispute," which include this appeal. **The mediation included approximately**
21 **46 additional parties with financial interests in the Indemnification Dispute, but who have**
22 **yet to make an appearance in the appeal and thus are not Parties to this Stipulation and**
23 **Order.**

24 d. On March 30, 2018, this Court issued an order [ECF No. 33] extending the
25 deadlines contained in the Minute Order to April 6, 2018, May 4, 2018 and May 18, 2018.

26 e. On April 6, 2018, the Parties submitted their *Third Stipulation and Order to Extend*
27 *Briefing Schedule to Facilitate Mediation* [ECF No. 34] ("Extension Stipulation") as the Parties
28 needed additional time (the, "Extension Period") to document and implement the agreements made

1 at mediation.

2 f. On April 10, 2018, this Court issued an order [ECF No. 35] extending the deadlines
3 contained in the Minute Order to June 5, 2018, July 3, 2018 and July 17, 2018.

4 g. Since the Parties entered into the Extension Stipulation, they have concluded the
5 documentation to implement the agreements made at mediation, including documentation that will
6 allow the termination of this appeal. **Thirty-one (31) of the necessary party signatures on the**
7 **documentation have been received, and counsel are waiting for approximately 23 additional**
8 **party signatures. The attorney who represents approximately 46 of the parties and who is**
9 **tasked with collecting the remaining 23 needed party signatures has indicated it will take**
10 **about another week to collect the remaining party signatures.** None of these 46 parties has
11 made an appearance in this appeal but they are all parties-in-interest to the Indemnification Dispute
12 in the Bankruptcy Court. Upon receipt of all necessary signatures, the Parties will seek an order
13 from Judge Nakagawa that will facilitate the dismissal of this appeal. The Parties hereby seek a
14 sixty (60) day extension of the briefing deadlines to facilitate collecting the necessary signatures
15 and then obtaining the necessary order from Judge Nakagawa.

16 h. The Parties do not wish to expend further resources on this appeal pending its
17 dismissal.

18 i. In view of the foregoing and consistent with Bankruptcy Rule 8009, made
19 applicable to this appeal pursuant to LR 8018, the Parties have further met and conferred regarding
20 an extension of the current briefing schedule.

21 STIPULATION

22 Based upon the above Recitals and subject to the entry of an order by this Court approving
23 this Stipulation, the Parties agree that:

- 24 1. The Appellant shall have until August 3, 2018, to file and serve an opening brief.
25 2. The Appellees shall have until September 4, 2018, to file and serve an answering
26 brief.

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1 3. The Appellant shall have until September 17, 2018, to file and serve a final reply
2 brief.

3 Dated: June 5, 2018.

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IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: June 8, 2018